



May 25, 1999

Ms. Judith A. Hunter  
Paralegal  
City Attorney's Office  
P.O. Box 409  
Georgetown, Texas 78627-0409

OR99-1450

Dear Ms. Hunter:

You have asked whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 124343.

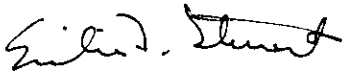
The City of Georgetown (the "city") received a request for copies of service #992782 and arrest 99-121, including all information and statements made by the parties. You state that you have given the requestor the front page of the incident and arrest reports with the complainant information redacted. You claim that the remaining requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108(a)(1) of the Government Code excepts from required public disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if (1) release of the information would interfere with the detection, investigation, or prosecution of crime . . ." Gov't Code § 552.108(a)(1). However, section 552.108 does not except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). The type of information normally found on the front page of an offense or arrest report is generally considered to be public information. *See generally Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), writ ref'd n.r.e. per curiam, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Included in the categories of information usually open to the public are a detailed description of the incident, the location of the incident, and identification and description of the complainant. *Id.* You have not explained why you redacted the complainant information from the documents you released to the requestor.

There are special situations in which front page offense report information may be withheld from disclosure. In Open Records Decision No. 169 (1977), this office described the special circumstances in which information that would otherwise be public is excepted from disclosure because there is "an imminent threat of physical danger as opposed to a generalized and speculative fear of harassment or retribution." Open Records Decision No. 169 at 6 (1977). You have not alleged special circumstances in this case that would require the withholding of the complainant information. Consequently, we conclude that the city must release the front-page report information, including the complainant information. However, based on your statement that charges are pending in this case, the city may withhold the remainder of the report from required public disclosure pursuant to section 552.108(a)(1) of the Government Code.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Emilie F. Stewart  
Assistant Attorney General  
Open Records Division

EFS/nc

Ref.: ID# 124343

encl. Submitted documents

cc: Mr. Kenneth L. Nitsche  
30107 Carmel Bay  
Georgetown, Texas 78628  
(Without enclosures)